

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA


ROBERT D GIBSON,	)	
	)	
Plaintiff(s),	)	No C 08-4455 VRW (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
SECRETARY OF CORRECTIONS, et al,	)	(Doc # 2 & 3)
	)	
Defendant(s).	)	

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Plaintiff has filed a motion to withdraw his application for leave to proceed in forma pauperis and to cancel this action. The motion (doc # 3) is construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1) and, pursuant thereto, the above-captioned matter is DISMISSED without prejudice. See American Soccer Co v Score First Enters, 187 F3d 1108, 1110 (9th Cir 1999) (plaintiff's "absolute right" to dismiss his action voluntarily before defendants serve answer or motion for summary judgment leaves no role for court to play).

The clerk shall terminate all pending motions (see, eg, doc # 2) and close the file.

SO ORDERED.

  
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VAUGHN R WALKER  
United States District Chief Judge